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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,863	06/27/2003	Eustathios Vassiliou	AN13D2	7112

7590 04/07/2004

EUSTATHIOS VASSILIOU  
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EXAMINER
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SAETHER, FLEMMING

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/607,863

Applicant(s)

VASSILIOU, EUSTATHIOS

Examiner

Flemming Saether

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 191-202 and 205-216 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 191-202 and 205-216 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

***Specification***

The disclosure is objected to because of the following informalities: at the beginning of the specification there should be included a reference to the related patent 6,629,809.

Appropriate correction is required.

***Claim Objections***

Claim 191 is objected to because of the following informalities: in claim 191, line 9, --the-- should be inserted before "left section". Appropriate correction is required.

***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the snapping segments connected to the upper segment (claim 195) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 191, 192, 195-198, 201, 202, 205, 206, 209-212, 215 and 216 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parkin (3,426,817). Parkin discloses a folded sheet metal fastener comprising: an upper free-ended top section (10) having a hole (10a); a lower free-ended top section (9) having a hole (9a); a bottom section (1) having a hole (2); a left section (8) and a right section (7) connecting the top and bottom sections and; front (3) and back (4) snapping section each including an anti-sliding extension (5, 6). Parkin does not disclose the snapping sections connected to the either of the toe sections instead, Parkin discloses the snapping sections connected to the bottom section. However, it would have been an obvious to one of ordinary skill in the art to reverse the location of the snapping sections from the bottom section to either of the top sections since the device would operate in a similar manner only reversed. The courts have settled that, if there is no criticality<sup>1</sup>, a shift in the location of parts would be obvious<sup>2</sup>. Lastly, Parkin discloses the fastener is intended to be used in combination with a vehicle.

Claims 193, 194, 199, 200, 207, 208, 213 and 214 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parkin as applied to claims 191 and 205 above, and further in view of Tinnerman (Re 21,769). Tinnerman discloses a folded sheet metal fastener having upper (12) and lower (11) sections wherein the upper

section provided support to the lower section (at 25). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to provide the upper section of Parkin with support to the lower section as disclosed in Tinnerman so that the sections remain properly separated. The proper separation allows for the engagement of separate threads of the threaded stud for an improved coupling.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 703-308-0182. The examiner can normally be reached on Monday through Friday.

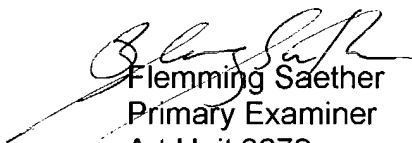
The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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<sup>1</sup> In re Hubbell, 76 USPQ 105 (CCPA 1947)

<sup>2</sup> In re Japikse, 86 USPQ 70 (CCPA 1950)

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Flemming Saether  
Primary Examiner  
Art Unit 3679